IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.248 OF 2002

M/s.Motiram Shantiram Kabadi & Co. ..Petitioner.

V/s.

Shri S.R.Banger & Ors. ..Respondents.

Mr.Rajesh Datar for petitioner.

Mrs.S.S.Bhende, AGP for respondent Nos.1 to 4.

CORAM: A.M.KHANWILKAR,J

DATE : JUNE 28, 2006.

P.C. :

1. Not on board. Upon production taken on board.

2. This matter was heard on 23rd June, 2006, when after going through the pleadings on record I had indicated my mind that it was not necessary to precipitate the matter in view of the clear stand taken by the respondents on affidavit. However, to reassure myself as to whether the speaking order was duly passed, which is the main assertion made in the paragraph-8 of the petition. The respondent was called upon to remain present and to produce the relevant record. Original record is produced before me, which contains the speaking order passed on 27th

December, 2001. Action against the disputed structure was taken after speaking order was passed. It is therefore, not a case of willful breach of the direction given by this Court. Hence, petition dismissed. Notice issued to contemnors is discharged.